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10 Attorneys for Defendant
11 Twitter, Inc.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 JOHN DOE #1 AND JOHN DOE #2,
17 Plaintiff,
18
19 v.
20 TWITTER, INC.,
21 Defendant.
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Case No. 3:21-cv-00485-JCS

**DECLARATION OF LINH K. NGUYEN IN
SUPPORT OF STIPULATION AND
[PROPOSED] ORDER ON DEFENDANT
TWITTER INC.'S MOTION FOR LEAVE TO
FILE RECONSIDERATION OR, IN THE
ALTERNATIVE, MOTION FOR
CERTIFICATION AND BRIEFING SCHEDULE**

Judge: Hon. Joseph C. Spero
Trial Date: Not yet set

1
2 I, Linh K. Nguyen, declare as follows:

3 1. I am an attorney licensed to practice law in California and am an associate at Cooley,
4 LLP and counsel of record for Defendant Twitter, Inc. (“Twitter”) in this matter. I make this
5 declaration based on my personal knowledge of this matter and information I obtained following a
6 reasonable investigation of the events described below. If called as a witness, I could and would
7 testify competently to the matters stated herein.

8 2. I submit this declaration pursuant to Civil Local Rule 6-2(a) and in support of the
9 Parties’ Stipulation and Proposed Order re Defendant’s motion for leave to file a motion for
10 reconsideration or, in the alternative, for certification for interlocutory appeal under 28 U.S.C.
11 § 1292(b) (“Motion”).

12 3. Plaintiffs filed a Complaint in the above-entitled action in U.S. District Court for the
13 Northern District of California on January 20, 2021;

14 4. On February 10, 2021, the Parties sought, and the court granted, an extension for
15 Twitter to respond to the Complaint and to extend the Initial Case Management Conference;

16 5. Plaintiffs filed the FAC on April 7, 2021;

17 6. On August 19, 2021, the court granted in part and denied in part Twitter’s motion
18 to dismiss the FAC (“Order”);

19 7. Since the Court issued its Order, the Parties have engaged in ongoing discussions
20 regarding coordination of their potential appellate options;

21 8. On August 31, 2021, the Parties sought, and the court granted, a two-week extension
22 for Twitter to respond to the Complaint because counsel for Twitter had previously scheduled
23 vacation during Twitter’s response time;

24 9. On September 13, 2021, Plaintiffs’ counsel advised Twitter’s counsel during a
25 telephone conference that they did not intend to seek reconsideration or appeal of the Order;

26 10. On September 16, 2021, the Parties sought an additional six-day extension for
27 Twitter to respond to the Complaint which is currently pending before the Court;

28 11. Twitter intends to file its Motion on October 4, 2021;

12. Counsel for Twitter understands that Plaintiffs intend to file an opposition to the Motion on October 18, 2021;

13. Under Local Rule 7-3, Twitter's reply would be due on October 25, 2021;

14. Lead counsel for Twitter will be in trial beginning on October 4, 2021 and which is expected to last through at least the end of October;

15. A further Case Management Conference in this matter is currently set for November 5, 2021;

16. This modification would not affect the case schedule as none has been entered.

I declare under penalty of perjury that the foregoing is true and correct. This declaration was executed on September 16, 2021 in San Diego, California.

Dated: September 16, 2021

/s/ Linh K. Nguyen

Linh K. Nguyen